IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.7375 of 2008

PADMAWATI DEVI & ANR
Versus
THE STATE OF BIHAR

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2 1.5.2008 Heard learned counsel for the parties.

The petitioners seek anticipatory bail in a case under section 302/34 of the Indian Penal Code. The allegation against the petitioners, who are the wife of the elder brother of the husband of the deceased and her mother-in-law,is that they set her on fire due to which she received injuries and died as a consequence thereof.

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From a pperusal of the order of the learned Sessions Judge, it appears that on going through the record, he has found the conduct of police suspicious and that the police have recorded the statements of the witnesses in a parrot like manner. He has also referred to the fact that the Dy. S.P. in his supervision note has directed to institute the case against these two petitioners.

Learned counsel for the petitioners submits that it is evident from the F.I.R. itself that husband of the deceased had also received injury while saving her. He contends that the deceased had not made any allegation against these

persons. He further submits that the F.I.R. itself was lodged after delay of three days from the date of the occurrence.

There does not appear to be any substance in the allegation that the F.I.R. was not lodged in a fair manner. Although in the F.I.R. allegation regarding illicit relation of the husband of the deceased with petitioner no.1 has been made yet the husband has not been falsely roped in as an accused in the present case and it is fairly stated that the husband of the deceased was at the shop and he had received injury while saving the deceased.

On a consideration of the facts and circumstances of the case, this Court does not consider it a fit case for grant of anticipatory bail to these petitioners. Their prayer for anticipatory bail is accordingly rejected.

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shahid (Ramesh Kumar Datta,J)